



UNISEN.116CCP2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

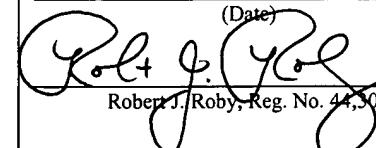
Applicant : Mercado et al.
Appl. No. : 10/028,451
Filed : October 22, 2001
For : EXERCISE AND THERAPEUTIC
TRAINER
Examiner : Stephen R. Crow
Group Art Unit : 3764

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 21, 2004

(Date)


Robert J. Roby, Reg. No. 44,304

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, "Unisen, Inc." of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,6183,398. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and each of the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of either of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.



Appl. No.
Filed

: 10/028,451
: October 22, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

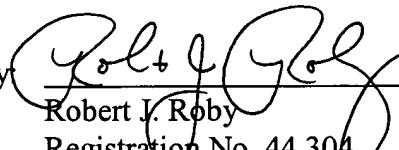
2. The undersigned is an attorney or agent of record.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 21, 2004

By


Robert J. Roby
Registration No. 44,304
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
- PTO suggested wording for terminal disclaimer was
 - unchanged. changed (if changed, an explanation should be supplied).

Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

H:\DOCS\RJR\RJR-1149.DOC
102004